

CSD 1001A [11/15/04]

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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

CITIZENS DEVELOPMENT CORP.

LSM HOTEL, LLC (Case No. 10-13024-LT11)
 LSM COUNTRY CLUB, LLC (no case number)

Debtor.

(Substantively consolidated)

BANKRUPTCY NO. 10-15142-LT11

R.S. No. ASP1

Date of Hearing: January 27, 2011

Time of Hearing: 2:00 p.m.

Name of Judge: Hon. Laura S. Taylor

**ORDER ON SYMPHONY ASSET POOL X, LLC'S
 MOTION FOR RELIEF FROM AUTOMATIC STAY**

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered two (2) through 2 with exhibits, if any, for a total of 2 pages, is granted. Motion/Application Docket Entry No. 65

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DATED:

March 01, 2011

 Judge
 Hon.

Judge, United States Bankruptcy Court

Signature by the attorney constitutes a certification under
 Fed. R. of Bankr. P. 9011 that the relief in the order is the
 relief granted by the court.

Submitted by:

GREENWALD, PAULY, FOSTER & MILLER, APC
 (Firm name)

By: /s/ ANDREW S. PAULYAttorney for ☒ Movant ☐ Respondent

ANDREW S. PAULY

CSD 1001A [11/15/04] (Page 2)

ORDER ON SCHEDULING OF EVIDENTIARY HEARINGS ON SYMPHONY'S MOTION FOR RELIEF FROM AUTOMATIC STAY
DEBTOR: LSM HOTEL, LLC CASE NO: 10-13024-LT11

On January 20, 21 and 24, 2011, the Court held evidentiary hearings on the Motion for Relief from Automatic Stay (the "Motion") filed by Symphony Asset Pool X, LLC ("Symphony") as successor to German American Capital Corporation. Appearances were made as set forth in the Court's record.

The Court, having considered the Motion, all oppositions and/or responses to the Motion, declaration and live witness testimony, any and all other pleadings related to the Motion, and having considered the arguments of counsel set forth at the evidentiary hearing on the Motion, hereby ORDERS as follows:

1. The Motion is conditionally granted as follows:

- (a) pursuant to this Court's separate Order, debtor LSM Hotel, LLC ("LSM Hotel") will be substantively consolidated with debtor Citizens Development Corporation (Case No. 10-15142-LT11) ("CDC") and non-debtor LSM Country Club, LLC ("LSM Country Club" and collectively, "Resort Entities").
- (b) the Resort Entities have until March 31, 2011 to file and serve a proposed Plan of Reorganization and Disclosure Statement. The Plan and Disclosure Statement must be supported not just with the information in the Disclosure Statement, but also by evidence as to the funding sources.
- (c) If the Resort Entities timely file their Plan and Disclosure Statement with evidence of funding sources, then the adequacy of the Disclosure Statement and evidence of funding sources shall be considered by the Court at the hearing described further below. To the extent that the Resort Entities fail to timely file their Plan and Disclosure Statement with evidence of funding sources, then relief from the automatic stay without further hearing is granted as requested by Symphony so that it may proceed with its non-judicial foreclosure sale of the real and personal property commonly known as the Lake San Marcos Hotel and located at 1025 La Bonita Drive, Lake San Marcos, CA 92078; provided that no actual sale shall occur prior to April 8, 2011.
- (d) Symphony is granted relief from stay immediately to publish/record its Notice of Sale in accordance with state law so that any statutory periods may commence running.

2. Provided that the Resort Entities timely file their Plan and Disclosure Statement (with evidence of funding sources), then:

- (a) a hearing shall occur on May 25, 2011 at 2:00 p.m. to consider the adequacy of the Disclosure Statement and any objections or modifications to it in accordance with 11 U.S.C. section 1125(b) and FRBP 3017(a). A continued hearing on Symphony's Motion for Relief From Stay is also set for May 25, 2011 at 2:00 p.m.
- (b) the Resort Entities shall give notice of the hearing at the time they file and serve their Plan and Disclosure Statement.
- (c) all status conferences and final hearings on any motions for use of cash collateral are continued to May 25, 2011 at 2:00 p.m.
- (d) the Court tentatively sets July 31, 2011 as the hearing date on confirmation of a Plan. All interested parties should reserve this date. The Court shall set deadlines related to confirmation of the Plan in connection with approval of the Disclosure Statement.

IT IS SO ORDERED.

APPROVED AS TO FORM:

BARKER, OLMSTED & BARNIER, APLC

LEVENE, NEALE, BENDER, YOO & BRILL, L.L.P.

By: 
CHRISTOPHER W. OLMSTED

By: /s/ Krikor J. Meshefejian
KRIKOR J. MESHEFEJIAN

CSD 1001A

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1299 Ocean Avenue, Suite 400, Santa Monica, California 90401-1007.

On March 1, 2011, I served the foregoing document(s) described as **ORDER ON SYMPHONY ASSET POOL X, LLC'S MOTION FOR RELIEF FROM AUTOMATIC STAY** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed to the addressee(s) as follows:

PLEASE SEE ATTACHED SERVICE LIST

☒ BY MAIL: I caused such envelope to be deposited in the mail at Santa Monica, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

☐ BY PERSONAL SERVICE: I personally delivered such envelope by hand to the offices of the addressee.

☐ BY FEDEX: The FedEx package tracking number for this envelope is _____, and the envelope was sent [mode] for receipt on [day], [date].

☐ BY ELECTRONIC MEANS: A courtesy copy of the above-referenced document was transmitted by ☐ facsimile and/or ☐ e-mail transmission; said transmission was reported as complete and without error.

☒ Executed on March 1, 2011, at Santa Monica, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made.


LESLIE M. RUDOLPH

Greenwald, Pauly,
Foster & Miller
A Professional
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SERVICE LIST

In re Citizens Development Corp.

United States Bankruptcy Court, Southern District of California
Case No. 10-15142-LT11 (Substantively consolidated)

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